

# Notice of Allowability

Application No.

10/071,497

Examiner

Daniel Zirker

Applicant(s)

BRADLEY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 7/19/04.
2. ☒ The allowed claim(s) is/are 1-3 and 5-48.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1800-  
1700

*Daniel Zirker*

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with David Kershner on September 9 and 13, 2004.

3. IN THE CLAIMS:

Cancel claim 4.

In claim 14, line 3, delete "the" and insert therefor --a--, and after "substrate" insert --on which the correction tape is applied--.

In claim 17, line 3, delete "the" and insert --a--, and after "substrate" insert --on which the correction tape is applied--.

In claim 35, line 3, after "to" insert --form-- and after "tape" delete "assembly".

In claim 37, line 2, after "to" insert --form-- and after "tape" delete "assembly".

In claim 38, line 2, after "to" insert --form-- and in line 3, after "tape" delete "assembly".

In claim 39, line 3, after "to" insert --form-- and

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after "tape" delete "assembly".

In claim 40, line 3, after "to" insert --form-- and in line 4, after "tape" delete "assembly".

In claim 41, line 3, after "to" insert --form-- and in line 4, after "tape" delete "assembly".

In claim 43, line 9, after "to" insert --form-- and after "tape" delete "assembly";

in line 11, after "to" insert --form-- and after "tape" delete "assembly".

The various amendments to the claims in this Examiner's Amendment all relate to minor informalities which have been corrected.

4. The following is an examiner's statement of reasons for allowance:

The prior art rejection of record in which claims 1-45 were rejected over Narayanan taken either individually for claims 1-43 and 45, or alternatively in view of either Franey or McCarty et al. for claims 1-45 has clearly been overcome by the submission of applicants' response and accompanying literature, and most particularly by the Declaration under 37 CFR 1.132 made by co-inventor Nowak. The Examiner particularly found paragraph 9 of the Declaration to be extremely convincing, but also notes that several other arguments that were presented were also found

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to be convincing and deserving of great weight; clearly the prima facie case of record is strongly believed to have been overcome.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

September 14, 2004